

REMARKS

The Official Action mailed June 2, 2006, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to October 2, 2006. Accordingly, the Applicant respectfully submits that this response is being timely filed.

Claims 1-3 were pending in the present application prior to the above amendment. The features of dependent claim 2 have been incorporated into independent claim 1. As such, claim 2 has been canceled. Accordingly, claims 1 and 3 are now pending in the present application, of which claim 1 is independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action objects to claim 2 for an informality in the recitation of "according to for a gain." As claim 2 has been incorporated into claim 1, claim 1 has been amended to recite "according to a gain." Reconsideration and withdrawal of the objection are requested.

Paragraph 3 of the Official Action rejects claims 1-3 as obvious based on the combination of U.S. Patent No. 6,735,416 to Marko and Figure 3 of the present specification, which the Official Action refers to as "admitted prior art." The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of independent claim 1. Independent claim 1 has been amended to include the features of original dependent claim 2. Specifically, claim 1 has been amended to recite that a two-way distributor operates to distribute an input at a distribution ratio according to a gain of a first reception series and a gain of a second reception series. For the reasons provided below, Marko and Figure 3 of the present specification, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The present invention is directed to a satellite radio broadcast receiver which receives both a satellite wave signal and a ground wave signal, which have the same broadcast contents. In general, the frequency band of the satellite wave signal is adjacent to that of the group wave signal. Thus, the satellite wave signal and ground wave signal, whose frequencies bands are adjacent to each other, are inputted to the radio frequency circuit (RF circuit) of the present invention's receiver.

The present inventors have found that there are at least the following peculiarities in wave signals and operations:

- (i) The satellite wave signal and the ground wave signal are different from each other in the level of a signal inputted to the RF circuit.

(ii) The satellite wave signal and the ground wave signal are different from each other in the total gain in the reception path including the RF circuit and modulation circuit.

(iii) The automatic gain control (AGC) circuits provided in the reception path must control rapid variety (due to multi passes) in signal level of the received signal.

In a reception environment, if the output from the AGC circuit in the RF circuit is not distributed in an appropriate distribution ratio to first reception series and second reception series which process the received satellite wave signal and ground wave signal, respectively, the level of the signal to be processed by any one of the first reception series and second reception series is saturated. In such a case, it becomes necessary to use a complicated circuit such as a conventional ATT circuit. The present invention is unique in setting the distribution ratio in distributing the AGC output to the first and second reception series at a ratio according to the gains of the first and second reception series.

These features of the present invention are not taught or suggested by Marko, either alone or in combination with Figure 3 of the present specification. The Official Action asserts that the splitter 225' of Marko corresponds with the two-way distributor of the present claims. Specifically, Marko discloses "the two-way distributor (225') operate to distribute an input at a distribution ratio according to a gain of the first reception series and a gain of the second reception series (via AGC 128')" (page 4, Paper No. 052406). The Applicant respectfully disagrees and traverses the assertions in the Official Action. In fact, in the receiver of Marko, the splitter 225' splits the RF stage output into two signals, but Marko does not teach the ratio into which these signals are split. Therefore, Marko does not teach that a two-way distributor operates to distribute an input at a distribution ratio according to a gain of a first reception series and a gain of a second reception series.

Figure 3 of the present specification does not cure the deficiencies in Marko. Figure 3 of the present specification is relied upon to allegedly teach that "the first and

second reception series are in one IC (1C) (fig. 3)" (page 3, *Id.*). However, Marko and Figure 3 of the present specification, either alone or in combination, do not teach or suggest that a two-way distributor operates to distribute an input at a distribution ratio according to a gain of a first reception series and a gain of a second reception series.

Since Marko and Figure 3 of the present specification do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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